

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:16-cv-01395-WO-JEP

IRIS POUNDS, CARLTON MILLER,)
VILAYUAN SAYAPHET-TYLER,)
RHONDA HALL, and PIA TOWNES, on)
behalf of themselves and all others)
similarly situated,)

Plaintiff,)

v.)

PORTFOLIO RECOVERY)
ASSOCIATES, LLC)

Defendant.)

**RESPONSE TO PLAINTIFFS'
MOTION TO DEFER TIME TO FILE
FEDERAL MOTION FOR CLASS
CERTIFICATION**

Defendant Portfolio Recovery Associates, LLC (PRA) submits this brief in response to Plaintiffs' Motion to Defer Time to File Federal Motion for Class Certification. Docket No. 27. PRA does not oppose the Motion, but contends that the relief sought by Plaintiffs' Motion is incomplete. The Motion requests that the Local Rule 23.1 deadline for moving for class certification be extended until 30 days after the Court rules on Plaintiffs' motion to remand. Pls.' Motion Defer Time File Federal Mot. Class Certification 4. PRA submits that the deadline should instead be extended until 30 days after the later of the Court's decisions on either Plaintiffs' motion to remand or PRA's motion to dismiss.

PRA moved to dismiss the Complaint on January 17, 2017. Docket No. 14. PRA's motion to dismiss contends that the Complaint fails to state a claim because

Plaintiffs have not pleaded a basis to bring an independent action to attack default judgments. *See id.*; *see also* Docket No. 15. If the Court grants the motion to dismiss, there will be no need to brief or consider the class certification issue, because the case will be dismissed. Accordingly, PRA submits that the time for filing a federal motion for class certification should be deferred until 30 days after the later of the Court's decisions on Plaintiffs' motion to remand (Docket No. 11) or PRA's motion to dismiss (Docket No. 14).

This the 15th day of March, 2017.

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CERTIFICATE OF SERVICE

I certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification to all counsel and parties of record as follows:

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This the 15th day of March, 2017.

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